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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,838	06/19/2003	Toshihiko Fukuhara	59,391 (72039)	6359
21874	7590	03/17/2008		
EDWARDS ANGELL PALMER & DODGE LLP				
P.O. BOX 55874				
BOSTON, MA 02205				
EXAMINER				
SINGH, SATWANT K				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,838

Applicant(s)

FUKUHARA ET AL.

Examiner

SATWANT K. SINGH

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 December 2007 has been entered.

Response to Amendment

2. This office action is in response to the amendment filed on 26 December 2007.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Namikata (US 7,262,870).

6. Regarding Claim 1, Namikata discloses an image processing device comprising: an operation unit with a display for determining various settings (GUI display) (user instructs a scan start operation on the GUI) (col. 3, lines 10-18); an image data storage unit for temporarily storing an image data to be newly processed (Fig. 3, S322) (image data area secured by the application on the RAM) (col. 3, lines 28-31); an image data destruction unit (Fig 1, forgery judging process module) for destroying the image data stored in said image data storage unit (Fig. 3, S315) (forgery judgment process, if the judgment is larger than a threshold, the image data are regarded as an image forbidden for reproduction and the image data is destroyed) (col. 4, lines 12-20); and an operation restricting unit for restricting storage of an image data to be newly processed and for restricting operations for processing the stored image data to be newly processed (application is forcedly closes) (col. 4, lines 21-40) (***since the application is forcedly closed, it is impossible for any image data to be stored or processed***) when a demand for the image processing device to destroy the image data stored in the image processing device is made and said image data destruction unit destroys the stored image data (Fig. 3, S315) (forgery judgment process, if the judgment is larger than a threshold, the image data are regarded as an image forbidden for reproduction and the image data is destroyed) (col. 4, lines 12-20).

7. Regarding Claim 2, Namikata discloses an image processing device, wherein said operation restricting unit comprises a destruction designating unit for demanding said image data destruction unit to destroy the stored image data (Fig. 3, S315) (image is forbidden for reproduction and image data is destroyed) (col. 4, lines 12-20).

8. Regarding Claim 3, Namikata discloses an image processing device, wherein said image data destruction unit destroys a related information required for processing the stored image data together with the stored image data (reading operation of the scanner system is terminated) (col. 4, lines 21-40) .

9. Regarding Claim 4, Namikata discloses an image processing device, wherein said operation restricting unit comprises a function to restrict said operations for processing the stored image data (application is forcibly closes) (col. 4, lines 21-40) ***(since the application is forcibly closed, it is impossible for any image data to be stored or processed)*** and a function to display information related to the restriction on the display of said operation unit (informing the user of the reason fore the forced closing of the application) (col. 4, lines 21-40).

10. Regarding Claim 5, Namikata discloses an image processing device, wherein said operation unit comprises a function to cancel a restriction by the operation restricting unit provided to the operations for processing the stored image data to be newly processed when a predetermined operation has been verified while said operation restricting unit is restricting the operation for processing the stored image data (scanner driver does not execute the forgery judgment process) (col. 3, lines 63-67, col. 4, lines 1-11).

11. Regarding Claim 6, Namikata discloses an image processing device comprising: an operation unit with a display for determining various settings (GUI display) (user instructs a scan start operation on the GUI) (col. 3, lines 10-18); an image data storage unit for temporarily storing an image data to be newly processed to an image data

storage region (Fig. 3, S322) (image data area secured by the application on the RAM) (col. 3, lines 28-31); an image data destruction unit (Fig 1, forgery judging process module) for destroying said image data storage region (Fig. 3, S315) (forgery judgment process, if the judgment is larger than a threshold, the image data are regarded as an image forbidden for reproduction and the image data is destroyed) (col. 4, lines 12-20); and an operation restricting unit for restricting storage of an image data to be newly processed and for restricting operations for processing the image data to be newly processed (application is forcedly closes) (col. 4, lines 21-40) (***since the application is forcedly closed, it is impossible for any image data to be stored or processed***) when a demand for the image processing device to destroy the image data stored in the image processing device is made and said image data destruction unit destroys the stored image data (Fig. 3, S315) (forgery judgment process, if the judgment is larger than a threshold, the image data are regarded as an image forbidden for reproduction and the image data is destroyed) (col. 4, lines 12-20); and a notifying unit for notifying the completion of destruction of said image data storage region by said image data destruction unit to a predetermined specific right holder (informing the user of the reason fore the forced closing of the application) (col. 4, lines 21-40).

12. Regarding Claim 7, Namikata discloses an image processing device, wherein said notifying unit enables a notifying condition to be selected (issuing command for operating the scanner) (col. 2, lines 55-63).

13. Regarding Claim 8, Namikata discloses an image processing device, wherein said notifying condition of said notifying unit is selected between an output using a

printer function (system consisting of scanner, host computer, and a printer) (col. 4, lines 50-56) and an output performed by transmitting a notification image data via a network (judgment of the specified image through a network) (col. 5, lines 29-43).

14. Regarding Claim 9, Namikata discloses an image processing device, wherein said notifying unit outputs a notice corresponding to a selected notifying condition when all areas of said image data storage region of said image storage unit have been destroyed completely (Fig. 3, S315) (forgery judgment process, if the judgment is larger than a threshold, the image data are regarded as an image forbidden for reproduction and the image data is destroyed) (col. 4, lines 12-20) by said image data destruction unit (informing the user of the reason for the forced closing of the application) (col. 4, lines 21-40).

15. Regarding Claim 10, Namikata discloses an image processing device, wherein said image data destruction unit comprises a function to destruct destroy a related information required for processing the stored image data together with the stored image data (Fig. 3, S315) (image is forbidden for reproduction and image data is destroyed) (col. 4, lines 12-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATWANT K. SINGH whose telephone number is (571)272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Satwant K. Singh
Examiner
Art Unit 2625

Sks /David K Moore/
Supervisory Patent Examiner, Art Unit 2625